

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

HM SERVICES, LLC, d/b/a
HOUSEMASTER®, a Delaware Limited
Liability Company,

Plaintiff,

v.

WILLIAM BASCH, an individual, and
DEPENDABLE INSPECTION
ENTERPRISES, INC., a New York
Corporation,

Defendants.

Civil Action No. 17-cv-5077(ERK)(VMS)

ORDER TO SHOW CAUSE

THIS MATTER having been presented to the Court by, LeClairRyan, P.C., attorneys for plaintiff, HM Services, LLC d/b/a HouseMaster® (“HouseMaster”), upon a Verified Complaint, seeking, among other things, injunctive relief against the defendants William Basch (“Basch”) and Dependable Inspection Enterprises, Inc. (“DIEI”) (collectively the “Defendants”) pursuant to Federal Rule of Civil Procedure 65; and

IT APPEARING THAT Plaintiff HouseMaster seeks, among other things, entry of a Preliminary Injunction: (i) enjoining the defendants from using the HouseMaster® Marks and confusingly similar name, specifically, “*Master Inspection Services*”; (ii) requiring the defendants to de-identify their office from their appearance as a HouseMaster affiliated establishment; (iii) requiring the defendants to refrain from any representation to the public that the defendants are franchisees of HouseMaster and compelling the defendants to take any affirmative action necessary to remove any use of the HouseMaster® Marks in connection with the defendants’ business; (iv) requiring the defendants to immediately advise all of their current clients that the defendants are no longer associated with HouseMaster; (v) requiring the defendants to immediately cease the use of the telephone number associated with the franchised business (718.384.1122) and cause the local phone company and any business phone publisher to remove the defendants from their listings as a

HouseMaster franchisee in their next addition of any directory, including any internet directory; (vi) requiring the defendants to immediately cease the use of the website www.masterinspectionservices.com, and cause any web masters or websites to remove the HouseMaster® Marks from their web pages, including social media websites, and requiring the defendants to remove the Marks from the social media sites and accounts that the defendants control, including the defendants' websites, including from any source code or other mechanism that directs a consumer searching for any of the HouseMaster® Marks to the defendants' websites; (vii) ordering defendants to cease and desist from using the HouseMaster® Marks in any advertising, printed materials or materials distributed in an electronic format; and (viii) ordering defendants to satisfy their other post termination non-monetary obligations imposed under the franchise agreement; and the Court having reviewed the Verified Complaint, and all exhibits annexed thereto, as any other pleadings submitted in support or opposition to the entry of this Order to Show Cause; and for other good cause shown;

IT IS on this _____ day of October _____, 2017:

ORDERED that the Defendants SHOW CAUSE before this Court located at Court Room _____, 225 Cadman Plaza East, Brooklyn, New York, 11201, on the _____ day of October 2017 at _____ a.m./p.m. why the Preliminary Injunction requested by HouseMaster should not be entered against the Defendants; and it is

FURTHER ORDERED that true copies of this Order to Show Cause, Certification of David S. Catuogno, and Memorandum of Law submitted in support of the issuance of this Order to Show Cause shall be served upon the Defendants within _____ days of the date hereof by either (i) personal service made by counsel for HouseMaster, or counsel's agent; (ii) personal service in accordance with the rules of this Court; or (iii) by overnight mail. Service of process in accordance with this order shall be deemed good and sufficient service within the requirements of the Federal Rules of Civil Procedure and the constitutional requirements of due process, notice and the opportunity to be heard; and it is

FURTHER ORDERED that the Defendants' answering briefs and affidavits in opposition to HouseMaster's application for a Preliminary Injunction, if any, shall be filed with this Court and served upon attorneys for HouseMaster no later than _____ days prior to the return date of this Order to Show Cause; and it is

FURTHER ORDERED that a reply brief and affidavits of HouseMaster, if any, shall be filed with the Court and served upon Defendant not later than _____ days prior to the return date of this Order to Show Cause.

HONORABLE _____
UNITED STATES DISTRICT JUDGE